
BILL NO: Senate Bill 27
TITLE: Criminal Procedure - Restorative Justice Program
COMMITTEE: Judicial Proceedings
HEARING DATE: February 2, 2023
POSITION: **OPPOSE**

Senate Bill 27 would create a restorative justice project that would be initiated by prisoners, wherein they can reach out to their victims through a third party to attempt to repair damage done. The Women's Law Center of Maryland (WLC) opposes this bill. While we are certain it is well-intentioned, we have grave concerns about possible re-traumatization of survivors. We strongly believe that any restorative justice effort should be initiated by survivors, not perpetrators.

The WLC supports restorative justice in the proper cases. However, as drafted SB 27 takes a perpetrator-initiated approach. We would much prefer to spend the time necessary to devise and create a restorative process that is survivor initiated and trauma-informed. We have clients, survivors of domestic violence, which often includes sexual assault, for whom an option to pursue a restorative justice approach may be what they prefer and would choose. This may be true whether or not the abuser is incarcerated. In fact, most intimate partner abusers, even when charged and tried for the abuse, do not get sentenced to jail time, or not to any significant amount of time. Developing a restorative justice program that would address nonincarcerated perpetrators might be valuable, but would take time to create.

Perhaps a solution to the significant issues with this bill would be to create a task force with all stakeholders at the table. There is not time, nor does it make sense to try to fix the problems via amendments in this bill this session. The entire framework needs to be reviewed and reconsidered.

Among the concerns that need to be addressed are the following:

- Create a project where the initiation of the restorative process is placed in survivors' hands
- Create safeguards so that perpetrators cannot find out sensitive or important information about their victims
- Ensure confidentiality for all
- Ensure that perpetrators have protections if they reveal information that was not previously revealed
- Decide if certain crimes (crimes of violence, family violence, sexual assault) should be excluded from the restorative process (this would be less of an issue if the project was victim initiated)
- Flesh out the qualifications of the third-party intermediaries, including training and ongoing education requirements
- Devise a fully formulated plan for child survivors
- Develop guardrails for the survivors of serial offenders
- Ensure to the extent possible against manipulation of the project by perpetrators
- Include support services for survivors.

Another serious concern we have is the placement of this proposed program within the Governor's Office of Crime Prevention, Youth and Victim Services (GOCPYVS). GOCPYVS is the major funding source

for many victim services in Maryland. Creating a direct services project within GOCPYVS may be problematic, especially considering the issues in that agency over the past several years of staffing and management, even to correctly and efficiently operate the programs over which they have so much control.

Therefore, the Women's Law Center of Maryland, Inc. opposes Senate Bill 27 and urges an unfavorable report.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women.